

Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation, also titled The Flinn Report in memory of founding JCAR member Rep. Monroe Flinn, is designed to inform and involve the public in changes taking place in agency administration.

New Rules

■ SUPPORTIVE HOUSING

The DEPARTMENT OF HUMAN SERVICES adopted a new Part titled Permanent Supportive Housing & Bridge Subsidy Model for Persons with Mental Illness (59 IAC 145; 39 Ill Reg 9704), effective 5/20/16, establishing rules for the Division of Mental Health-Permanent Supportive Housing (DMH-PSH) program. DMH-PSH provides subsidies to institutionalized, formerly institutionalized, or homeless adults with mental illness enabling them to rent private apartments, single family homes, or units in affordable or supportive housing developments. Individuals may qualify for the program if they have been clinically diagnosed with at least one of the mental illnesses listed in the Part (e.g., major depression, bipolar disorder, schizophrenia) and are currently living in, or at risk of placement

in, a long term care facility. Young adults aging out of adolescent mental health programs or DCFS guardianship may also qualify. Eligible individuals must have household incomes at or below 30% of the median income in their area and must not be currently receiving government-funded rental assistance. Individuals who participate in DMH-PSH must consent to regular home visits from a case manager and receive services from a Community Mental Health Center contracted to participate in the program. A Subsidy Administrator will handle income verifications for applicants, inspections and reinspections of rental units, contracts with landlords or leasing agents, and payment of rent. The Part also addresses the application and approval process for prospective tenants, types of leases that may be offered, income criteria, criteria for housing inspections, deter-

mination of the amount of rental assistance, program terminations and appeals, and provisions for one-time transition assistance toward purchase of household items or payment of security deposits or utility connection fees. Since 1st Notice, DHS has added Post Traumatic Stress Disorder and removed anorexia/bulimia nervosa from the list of mental illnesses in the Part and clarified other aspects of the program's structure and operation. Those affected by this rulemaking include rental property owners and managers who wish to participate in the program.

Questions/requests for copies: Tracie Drew, DHS, 100 S. Grand Ave. East, 3rd Fl., Springfield IL 62762, 217/785-9772.

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NEW RULES: Rules adopted by agencies this week. **EMERGENCY RULES:** Adopted for a temporary period not to exceed 150 days.

PROPOSED RULES: Rules proposed by agencies this week, commencing a 45-day First Notice period during which public comments must be accepted.

PEREMPTORY RULES: Rules adopted without prior public notice or JCAR review as authorized by 5 ILCS 100/5-50.

■ Designates rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.

QUESTIONS/COMMENTS: Submit mail, email or phone calls to the agency personnel listed below each summary.

RULE TEXT: Available on the Secretary of State (www.cyberdriveillinois.com) and General Assembly (www.ilga.gov) websites under Illinois Register. Second Notice text (original version with changes made by the agency during First Notice included) is available on the JCAR website.

New Rules

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■ PCB PROCEEDINGS

The POLLUTION CONTROL BOARD adopted amendments to the Parts titled General Rules (35 IAC 101; 40 Ill Reg 52), Regulatory and Information Hearings and Proceedings (35 IAC 102; 40 Ill Reg 95), Enforcement (35 IAC 103; 40 Ill Reg 107), Regulatory Relief Mechanisms (35 IAC 104; 40 Ill Reg 114), Appeals of Final Decisions of State Agencies (35 IAC 105; 40 Ill Reg 121), Proceedings Pursuant to Specific Rules or Statutory Provisions (35 IAC 106; 40 Ill Reg 127), Petition to Review Pollution Control Facility Siting Decisions (35 IAC 107; 40 Ill Reg 138), Administrative Citations (35 IAC 108; 40 Ill Reg 144) and Tax Certifications (35 IAC 125; 40 Ill Reg 148), all effective 5/20/16, updating its hearing and meeting processes and clarifying definitions. All 9 Parts are being amended to allow PCB to conduct hearings via videoconference, while Parts 101, 105, 107 and 125 are being amended to require State agencies and siting authorities to file certain types of records (e.g., tax certifications, final or appealed decisions) electronically. Additional amendments to Part 101 expand the number of orders that are served by e-mail instead of paper, amend the requirement that a person must consent to e-mail service in writing, and require parties with e-mail capability to deliver their filings

to the Board by e-mail. When paper documents are filed, the original and 2 copies (currently, 3 copies) must be submitted. Other amendments to Part 101 cite the statutory definition of “pollution control facility”; clarify rules regarding appeal timeframes, hearing notices, and hearing locations; and modify requirements for proposing copyrighted documents for incorporation by reference. Further amendments to Part 102 allow hearing notices to be published in the *Illinois Register* instead of in newspapers. Additional amendments to Parts 104 and 106 require petitioners to file an index of all documents that comprise a filed petition. Since 1st Notice, provisions in the Part 101, 102, 105, 107, and 125 rulemakings requiring electronic filings to be made in text-searchable Adobe PDF format have been changed to state that such filing is required “to the extent technically feasible”. Other changes to the Part 101 rulemaking allow paper filings in additional circumstances and clarify various aspects of the filing process. Businesses and agencies with cases pending before PCB will be affected by these rulemakings.

Questions/requests for copies of the 9 PCB rulemakings: Richard McGill, PCB, 100 W. Randolph St., Suite 11-500, Chicago IL 60601, 312/814-6887. Please reference docket R16-17. Copies of the Board's opinion and order can be downloaded at www.ipcb.state.il.us.

■ FIRE INSPECTIONS

The OFFICE OF THE STATE FIRE MARSHAL adopted amendments to School Inspections (41 IAC 111; 40 Ill Reg 3165) effective 5/20/16 that establish new standards of certification for individuals who intend to inspect school buildings. The rulemaking also amends the delegation of authority to individuals, procedures for reporting violations, quality assurance procedures and provides for a possible withdrawal of a delegation of authority. This rulemaking may affect local fire officials, school districts and other units of local government.

Questions/requests for copies: Deborah J. Williams, OSFM, 1035 Stevenson Drive, Springfield IL 62703, 217/785-0978, fax 217/524-5487.

■ INSURANCE RECORDS

The DEPARTMENT OF INSURANCE adopted amendments to the Part now titled Disposal and Destruction of Records (50 IAC 901; 39 Ill Reg 14218), effective 5/23/16, that change the name of the Part and remove, for most insurance company records, the former requirement that companies request permission in writing from DOI before destroying or disposing of them. The rulemaking grants companies authority to dispose of records

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New Rules

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that are no longer needed in the transaction of current business. It also allows companies to dispose of records of final disposition of insurance claims and records used to document the financial condition of the company since its last audit/examination, provided that these records are kept for the current year plus 5 years (changed since 1st Notice from “at least 7 years”).

Questions/requests for copies: Marcy Savage, DOI, 320 W. Washington St., Springfield IL 62767, 217/524-0016.

■ HOSPITAL ASSISTANCE

The OFFICE OF THE ATTORNEY GENERAL adopted amendments to Hospital Financial Assistance under the Fair Patient Billing Act (77 IAC 4500; 40 Ill Reg 3425) effective 5/18/16 that update the Federal Poverty Level income figures upon which eligibility for the program is based. The annual income eligibility levels are increased from \$10 to \$110 depending on the number of persons in the family. For example, the income threshold for a family of 5 is increased from \$28,410 to \$28,440 per year.

Questions/requests for copies: David Buysse, Office of the Attorney General, 100 W. Randolph St., 12th Floor, Chicago IL 60601, 312/814-7236.

SOS PUBLIC INFORMATION

The SECRETARY OF STATE adopted an amendment to Departmental Duties (2 IAC 552; 40 Ill Reg 8011), effective 5/18/16, updating organizational information for the SOS Inspector General’s Office.

Questions/requests for copies: Paul Thompson, SOS, 324 W. Monroe St. Springfield IL 62704, 217/785-2012.

Second Notices

The following rulemakings were moved to Second Notice this week by the agencies listed below, commencing the JCAR review period. These rulemakings will be considered at the Committee’s June 14, 2016 meeting. Further comments concerning these rulemakings should be addressed to JCAR using the contact information on page 1.

BOARD OF EXAMINERS

Certificate of Certified Public Accountant (23 IAC 1400; 40 Ill Reg 3120) proposed 2/19/16

DEPT OF AGRICULTURE

Meat and Poultry Inspection Act (8 IAC 125; 40 Ill Reg 5732) proposed 4/8/16

DEPT OF FINANCIAL AND PROFESSIONAL REGULATION

Currency Exchange (38 IAC 120; 40 Ill Reg 5233) proposed 4/1/16

DEPT OF HUMAN SERVICES

Early Intervention Program (89 IAC 500; 40 Ill Reg 5765) proposed 4/8/16

IL COMMERCE COMMISSION

Qualifying Infrastructure Plant Surcharge (83 IAC 656; 39 Ill Reg 13320) proposed 10/9/15

DEPT OF PUBLIC HEALTH

AIDS Drug Assistance Program (77 IAC 692; 40 Ill Reg 5413) proposed 4/1/16

General Provisions (Repealer) (77 IAC 2500; 40 Ill Reg 5418) proposed 4/1/16

Data Collection (Repealer) (77 IAC 2510; 40 Ill Reg 5423) proposed 4/1/16

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Second Notices

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DEPT OF PUBLIC HEALTH (cont.)

Reports (Repealer) (77 IAC 2520; 40 Ill Reg 5503) proposed 4/1/16

Hospital Price Information (Repealer) (77 IAC 2530; 40 Ill Reg 5508) proposed 4/1/16

Penalties (Repealer) (77 IAC 2540; 40 Ill Reg 5515) proposed 4/1/16

Miscellaneous Provisions (Repealer) (77 IAC 2550; 40 Ill Reg 5519) proposed 4/1/16

Emergency Medical Services, Trauma Center, Primary Stroke Center and Emergent Stroke Ready Hospital Code (77 IAC 515; 40 Ill Reg 5374) proposed 4/1/16

STATE BOARD OF ELECTIONS

Established Political Party and Independent Candidate Nominating Petitions (26 IAC 201; 40 Ill Reg 5643) proposed 4/1/16

New Political Party Nominating Petitions (26 IAC 2020; 40 Ill Reg 5649) proposed 4/1/16

Joint Committee on Administrative Rules

Senator Bill Brady

Representative Greg Harris

Senator Karen McConnaughay

Representative Lou Lang

Senator Matt Murphy

Representative David Leitch

Senator Don Harmon

Representative Ron Sandack

Senator Tony Muñoz

Representative André Thapedi

Senator Ira Silverstein

Representative Michael Tryon

**Vicki Thomas
Executive Director**